

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:17-cv-00210-NBF**

PROJECT ON PREDATORY STUDENT LENDING OF THE
LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL Date Filed: 02/14/2017
v. UNITED STATES DEPARTMENT OF JUSTICE Jury Demand: None
Assigned to: Judge Nora Barry Fischer Nature of Suit: 895 Freedom of
related Cases: 2:07-cv-00461-NBF Information Act
2:18-cv-01642-NBF Jurisdiction: U.S. Government Defendant
Cause: 05:552 Freedom of Information Act

Plaintiff

**PROJECT ON PREDATORY
STUDENT LENDING OF THE
LEGAL SERVICES CENTER OF
HARVARD LAW SCHOOL**

represented by **Amanda Savage**
122 Boylston Street
Jamaica Plain, MA 02130
617-390-2710
Email: asavage@law.harvard.edu
TERMINATED: 05/08/2018
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eileen M. Connor
Legal Services Center, Harvard Law
School
122 Boylston Street
Jamaica Plain, MA 02130
617-390-2528
Fax: 617-522-0715
Email: econnor@law.harvard.edu
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Bennett
Public Justice, P.C.
475 14th Street
Suite 610
Oakland, CA 94612
510-622-8213
Email: jbennett@publicjustice.net
ATTORNEY TO BE NOTICED

Toby R. Merrill
Legal Services Center of Harvard Law
School
122 Boylston Street
Jamaica Plain, MA 02130
617-390-2576
Fax: 617-522-0715
Email: tomerill@law.harvard.edu
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Christy C. Wiegand**
United States Attorney's Office
700 Grant Street
Suite 4000
Pittsburgh, PA 15219

(412) 894-7452
 Email: christy.wiegand@usdoj.gov
 TERMINATED: 10/19/2018
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Karen Gal-Or
 U.S. Attorney's Office
 700 Grant Street, Suite 4000
 Pittsburgh, PA 15219
 412-644-3500
 Email: karen.gal-or@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Lisa Zeidner Marcus
 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 20 Massachusetts Ave. NW
 7th Floor
 Washington, DC 20530
 (202) 514-3336
 Email: lisa.marcus@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Peter J. Phipps
 U.S. Department of Justice, Civil Division,
 Federal Programs
 PO Box 883, Ben Franklin Station
 Washington, DC 20530
 202-616-8482
 Email: peter.phipps@usdoj.gov
 TERMINATED: 11/09/2018
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/14/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE (Filing fee, including Administrative fee, \$400, receipt number 0315-4240800), filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Index of Exhibits, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Summons US Department of Justice, # <u>7</u> Summons US Attorney General, # <u>8</u> Summons US Attorney) (jsp) (Entered: 02/15/2017)
02/15/2017		Summons Issued as to UNITED STATES DEPARTMENT OF JUSTICE. (jsp) (Entered: 02/15/2017)
02/15/2017	<u>2</u>	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (jg) (Entered: 02/15/2017)
02/17/2017	<u>3</u>	AFFIDAVIT of Service for Summons and Complaint mailed to United States Department of Justice on February 16, 2017, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) Modified on 2/21/2017. (jsp) (Entered: 02/17/2017)
02/17/2017	<u>4</u>	AFFIDAVIT of Service for Summons and Complaint mailed to Jeff Sessions, Attorney General of the United States on February 16, 2017, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF

		HARVARD LAW SCHOOL. (Savage, Amanda) Modified on 2/21/2017. (jsp) (Entered: 02/17/2017)
02/17/2017	<u>5</u>	AFFIDAVIT of Service for Summons and Complaint mailed to Civil Process Clerk, United States Attorney's Office for the Western District of Pennsylvania on February 16, 2017, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) Modified on 2/21/2017. (jsp) (Entered: 02/17/2017)
02/24/2017	<u>6</u>	ORDER indicating that, for reasons stated more fully within, by 3/1/17, the Project, the United States, the EDMC Defendants, and any of the Plaintiff–States that believe they have an interest at this juncture, shall meet and confer and file a Joint Status Report setting forth their positions on the proposed appointment of Judge Levie, including any agreements on the cost sharing of Special Master fees and the scope of the appointment. If no objections are lodged, the Court will enter an Order referring the matter to Judge Levie, who has advised that he is available and willing to undertake this appointment; that the Court will conduct a telephone status conference with counsel for the interested parties on 3/8/17 at 9:30 a.m. Counsel for the United States, Assistant United States Attorney Christy Wiegand, shall convene the telephone conference and contact this Court's Chambers with all participants on the line at 9:25 a.m. Signed by Judge Nora Barry Fischer on 2/24/17. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (jg) (Entered: 02/24/2017)
02/27/2017	<u>7</u>	SUMMONS/Return of Service Returned Executed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. UNITED STATES DEPARTMENT OF JUSTICE served on 2/21/2017, answer due 3/23/2017. (Attachments: # <u>1</u> Exhibit A) (Savage, Amanda) Modified on 2/28/2017. (jsp) (Entered: 02/27/2017)
03/01/2017	<u>8</u>	JOINT STATUS REPORT Regarding Special Master Appointment by UNITED STATES DEPARTMENT OF JUSTICE. (Wiegand, Christy) Modified on 3/3/2017. (jsp) (Entered: 03/01/2017)
03/01/2017	<u>9</u>	NOTICE of Appearance by Christy C. Wiegand on behalf of UNITED STATES DEPARTMENT OF JUSTICE. (Wiegand, Christy) (Entered: 03/01/2017)
03/02/2017	<u>10</u>	MOTION for attorney Eileen M. Connor to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315–4256144) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order) (Connor, Eileen) (Entered: 03/02/2017)
03/02/2017	<u>11</u>	MOTION for attorney Amanda Savage to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315–4256174) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order) (Savage, Amanda) (Entered: 03/02/2017)
03/02/2017	<u>12</u>	ORDER granting <u>10</u> Motion for Eileen M. Connor, Esquire to Appear Pro Hac Vice on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 3/2/17. (jg) (Entered: 03/02/2017)
03/03/2017	<u>13</u>	ORDER granting <u>11</u> Motion for Amanda Savage, Esquire to Appear Pro Hac Vice on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 3/3/17. (jg) (Entered: 03/03/2017)
03/06/2017	<u>14</u>	ORDER indicating that, for reasons more fully stated within, Plaintiff shall file an Amended Complaint by 3/16/17. Signed by Judge Nora Barry Fischer on 3/6/17. (jg) (Entered: 03/06/2017)
03/08/2017	<u>15</u>	Minute Entry for proceedings held before Judge Nora Barry Fischer: TelephonicStatus Conference (with CA 07–461) held on 3/8/17 (details of proceeding more fully stated in memo). (Court Reporter: B. Leo) (jg) (Entered: 03/08/2017)
03/09/2017	<u>16</u>	NOTICE of Appearance by Peter J. Phipps on behalf of UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 03/09/2017)

03/16/2017	<u>17</u>	First AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES DEPARTMENT OF JUSTICE answer due 3/30/2017, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F) (Savage, Amanda) (Entered: 03/16/2017)
03/30/2017	<u>18</u>	ANSWER to <u>17</u> Amended Complaint, by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 03/30/2017)
03/31/2017	<u>19</u>	MEMORANDUM ORDER indicating that the parties' Rule 26 Meeting Report and Stipulation Selecting ADR Process are due by 4/28/17; A Case Management Conference is set for 5/5/17 at 10:30 AM in Courtroom 5B before Judge Nora Barry Fischer. Signed by Judge Nora Barry Fischer on 3/31/17. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (jg) (Entered: 03/31/2017)
04/12/2017	<u>20</u>	MOTION for attorney Toby Merrill to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315-4299615) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order) (Merrill, Toby) (Entered: 04/12/2017)
04/12/2017	<u>21</u>	ORDER granting <u>20</u> Motion for Toby Merrill, Esquire to Appear Pro Hac Vice on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 4/12/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 04/12/2017)
04/12/2017	<u>22</u>	NOTICE of Appearance by Toby R. Merrill on behalf of PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Merrill, Toby) (Entered: 04/12/2017)
04/28/2017	<u>23</u>	REPORT of Rule 26(f) Planning Meeting. (Phipps, Peter) (Entered: 04/28/2017)
04/28/2017	<u>24</u>	STIPULATION selecting ADR process by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 04/28/2017)
05/05/2017	<u>25</u>	Minute Entry for proceedings held before Judge Nora Barry Fischer: Case Management Conference held on 5/5/17 (details of proceeding more fully stated in memo). (Court Reporter: S. Wenger) (jg) (Entered: 05/05/2017)
05/05/2017	<u>26</u>	ORDER REFERRING CASE to Mediation. The Honorable Richard Levie is appointed as mediator;): The ADR conference(s) shall be concluded on or before 7/31/17, unless extended by order of the Court; Christy Wiegand, Esquire is designated as lead counsel and shall be responsible for working with the parties and the neutral to coordinate an agreeable date, time and location for the initial ADR conference; It is the responsibility of lead counsel to insure that the date, time and location of the ADR session as well as the principals from each party, and insurance representatives, with full settlement authority, who will be in attendance at the ADR session, has been electronically filed with the Court by 5/17/17. The Court shall be promptly noticed of any rescheduled date for the scheduled conference. Signed by Judge Nora Barry Fischer on 5/5/17. (jg) (Entered: 05/05/2017)
05/16/2017	<u>27</u>	Notice of Mediation by UNITED STATES DEPARTMENT OF JUSTICE. Mediation Date July 20, 2017 at 9:00 am (Wiegand, Christy) (Entered: 05/16/2017)
07/28/2017	<u>28</u>	REPORT of Mediation: Mediation session was held on 7/20/2017. Case has not been resolved. The parties request that a follow-up conference with the Court should be scheduled within 60 days. The parties are reminded of their obligation to complete the ADR questionnaire and submit within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at www.pawd.uscourts.gov. Click on the ADR icon. (jg) (Entered: 07/28/2017)
08/03/2017	<u>29</u>	ORDER indicating that a Post ADR Telephonic Status Conference is set for 8/22/17 at 3:00 PM before Judge Nora Barry Fischer. Signed by Judge Nora Barry Fischer on 8/3/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 08/03/2017)
08/07/2017	<u>30</u>	Unopposed MOTION to Continue August 22, 2017 Status Conference by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER

		OF HARVARD LAW SCHOOL. (Attachments: # 1 Proposed Order) (Savage, Amanda) (Entered: 08/07/2017)
08/07/2017	31	ORDER granting, in part, and denying, in part, Unopposed MOTION to Continue August 22, 2017 Status Conference filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL, in light of counsel's unavailability, the telephone status conference scheduled for 8/22/17 at 3:00 p.m. is CANCELLED; and, as the Court is unavailable on the dates proposed by the parties to reconvene this matter, the parties shall meet and confer and file a Joint Proposed Case Management Order by 8/21/2017. Signed by Judge Nora Barry Fischer on 8/7/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdk) (Entered: 08/07/2017)
08/21/2017	32	Proposed Joint Case Management Order by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) Modified on 8/22/2017. (jsp) (Entered: 08/21/2017)
08/22/2017	33	ORDER indicating that: 1. Defendant's motion for summary judgment and supporting materials due 10/20/17 at 12:00 p.m.; 2. Plaintiff's response to the motion for summary judgment and supporting materials and/or any motion challenging the sufficiency of Defendant's affidavits filed in support of its motion for summary judgment due 11/20/17 at 12:00 p.m.; 3. Defendant's reply and supporting materials due 12/14/17 at 12:00 p.m.; 4. Plaintiff's sur-reply and supporting materials due 12/21/17 at 12:00 p.m.; Remaining details more fully stated in said Order. Signed by Judge Nora Barry Fischer on 8/22/17. (jg) (Entered: 08/22/2017)
09/19/2017	34	MOTION for attorney Jennifer Bennett to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315-4467845) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # 1 Declaration, # 2 Proposed Order) (Bennett, Jennifer) (Entered: 09/19/2017)
09/19/2017	35	NOTICE of Appearance by Jennifer Bennett on behalf of PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Bennett, Jennifer) (Entered: 09/19/2017)
09/20/2017	36	ORDER granting 34 Motion for Jennifer Bennett, Esquire to Appear Pro Hac Vice on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 9/20/17. (jg) (Entered: 09/20/2017)
10/17/2017	37	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # 1 Proposed Order) (Phipps, Peter) (Entered: 10/17/2017)
10/18/2017	38	ORDER granting 37 Consent Motion for Extension of Time to File Motion for Summary Judgment and that: Defendant's Summary Judgment Motion shall be due at noon on 11/3/17; Plaintiff's response and/or motion challenging sufficiency of defendant's sworn statements is due at noon on 12/4/17; Defendant's reply brief is due at noon on 1/4/18; and Plaintiff' sur-reply brief is due at noon on 1/18/18. Signed by Judge Nora Barry Fischer on 10/18/17. (jg) (Entered: 10/18/2017)
10/26/2017	39	Consent MOTION for Extension of Time to File Motion for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Attachment: # 1 Proposed Order) (Wiegand, Christy) Modified as filer did not complete entry on 10/27/2017. (jsp) (Entered: 10/26/2017)
10/27/2017	40	ORDER granting 39 Consent Motion for Extension of Time filed by UNITED STATES DEPARTMENT OF JUSTICE and that: Defendant's Summary Judgment Motion due by 11/17/17; Response to Summary Judgment and/or Motion challenging sufficiency of Defendant's sworn statements due by 12/18/17; Defendant's Reply brief due by 1/18/18; Plaintiff's Sur-Reply due by 2/1/18. Signed by Judge Nora Barry Fischer on 10/27/17. (jg) (Entered: 10/27/2017)
11/17/2017	41	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # 1 Proposed Order) (Phipps, Peter) (Entered: 11/17/2017)

11/17/2017	<u>42</u>	BRIEF in Support re <u>41</u> Motion for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 11/17/2017)
11/17/2017	<u>43</u>	CONCISE STATEMENT OF MATERIAL FACTS re <u>41</u> Motion for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 11/17/2017)
11/17/2017	<u>44</u>	Appendix to <u>41</u> Motion for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit Declaration of Michael Comber, # <u>2</u> Exhibit Declaration of John Kornmeier, # <u>3</u> Exhibit Vaughn Index) (Phipps, Peter) Modified on 11/20/2017. (jsp) (Entered: 11/17/2017)
12/13/2017	<u>45</u>	Unopposed MOTION for Extension of Time to File <i>Response to Defendant's Motion for Summary Judgment and/or Motion Challenging Sufficiency of Defendant's Declarations</i> by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Savage, Amanda) (Entered: 12/13/2017)
12/13/2017	<u>46</u>	ORDER granting <u>45</u> Plaintiff's Unopposed Motion for Extension of Time to File Response to <u>41</u> Defendant's Motion for Summary Judgment and/or Motion Challenging Sufficiency of Defendant's Declaration; Plaintiff's Response to said Motion is now due by 12/22/17. Signed by Judge Nora Barry Fischer on 12/13/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 12/13/2017)
12/22/2017	<u>47</u>	Cross MOTION for Summary Judgment by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Savage, Amanda) (Entered: 12/22/2017)
12/22/2017	<u>48</u>	BRIEF in Support re <u>47</u> Motion for Summary Judgment filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) (Entered: 12/22/2017)
12/22/2017	<u>49</u>	CONCISE STATEMENT OF MATERIAL FACTS re <u>48</u> Brief in Support of Motion by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) (Entered: 12/22/2017)
12/22/2017	<u>50</u>	RESPONSE to <u>43</u> Concise Statement of Material Facts, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) (Entered: 12/22/2017)
12/22/2017	<u>51</u>	Appendix to <u>47</u> Cross Motion for Summary Judgment by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Appendix pp. 1–50, # <u>2</u> Appendix pp. 51–100, # <u>3</u> Appendix pp. 101–150, # <u>4</u> Appendix p. 151–201) (Savage, Amanda) Modified on 12/26/2017. (plh) (Entered: 12/22/2017)
12/22/2017	<u>52</u>	MOTION for Discovery <i>in the Alternative Pursuant to R. 56(d) of the Federal Rules of Civil Procedure</i> by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Savage, Amanda) (Entered: 12/22/2017)
12/22/2017	<u>53</u>	BRIEF in Support re <u>52</u> Motion for Discovery, <i>in the Alternative Pursuant to R. 56(d) of the Federal Rules of Civil Procedure</i> filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Declaration of Amanda Savage) (Savage, Amanda) (Entered: 12/22/2017)
12/22/2017	<u>54</u>	MOTION to Strike <u>44</u> Appendix, <i>Statements from the Declarations of John Kornmeier and Michael A. Comber</i> by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Savage, Amanda) (Entered: 12/22/2017)
12/22/2017	<u>55</u>	BRIEF in Support re <u>54</u> Motion to Strike, <i>Statements in the Declarations of John Kornmeier and Michael A. Comber</i> filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) (Entered: 12/22/2017)

12/27/2017	<u>56</u>	ORDER Response/Briefing Schedule re: <u>54</u> Plaintiff's Motion to Strike, Defendant's Response to said Motion shall be filed by 1/18/2018. Signed by Judge Nora Barry Fischer on 12/27/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdk) (Entered: 12/27/2017)
01/10/2018	<u>57</u>	MOTION for Extension of Time to File Response/Reply as to <u>47</u> Cross MOTION for Summary Judgment, <u>50</u> Response, <u>51</u> Appendix, <u>53</u> Brief in Support of Motion, <u>54</u> MOTION to Strike <u>44</u> Appendix, <i>Statements from the Declarations of John Kornmeier and Michael A. Comber</i> , <u>55</u> Brief in Support of Motion, <u>52</u> MOTION for Discovery <i>in the Alternative Pursuant to R. 56(d) of the Federal Rules of Civil Procedure</i> , <u>48</u> Brief in Support of Motion, <u>49</u> Concise Statement of Material Facts, by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order) (Phipps, Peter) (Entered: 01/10/2018)
01/10/2018	<u>58</u>	ORDER granting Defendant United States Department of Justice's Motion for Extension of time to File Response/Reply <u>57</u> and the parties shall adhere to the following briefing schedule: 1. Defendant's reply and supporting materials as to its own motion for summary judgment presently due on 1/18/18 shall be filed by 2/22/18 at 12:00 p.m.; 2. Plaintiff's sur-reply and supporting materials as to Defendant's motion for summary judgment presently due on 2/1/18 shall be filed by 3/22/18 at 12:00 p.m.; 3. Defendant's responses to the motions filed by Plaintiff on 12/22/17 (Docket Nos. <u>47</u> , <u>52</u> , <u>54</u>), presently due on 1/18/18 shall be filed by 2/22/18 at 12:00 p.m.; 4. Plaintiff's replies, if any, as to those motions filed on 12/22/18 shall be filed by 3/22/18 at 12:00 p.m.; 5. Defendants sur-replies, if any, as to those motions filed by Plaintiff on 12/22/17, shall be filed by 4/5/18 at 12:00 p.m.; Other details more fully stated in said Order. Signed by Judge Nora Barry Fischer on 1/10/18. (jg) (Entered: 01/10/2018)
02/20/2018	<u>59</u>	Consent MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF JUSTICE. (Attachment: # <u>1</u> Proposed Order) (Phipps, Peter) Modified on 2/22/2018. (jsp) (Entered: 02/20/2018)
02/20/2018	<u>60</u>	Consent MOTION for Leave to File Excess Pages for responses to plaintiff's motions to strike and for discovery by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order) (Phipps, Peter) Modified on 2/22/2018. (jsp) (Entered: 02/20/2018)
02/20/2018	<u>61</u>	ORDER granting Defendant United States Department of Justice's Consent Motion for Extension of Time to File Response/Reply <u>59</u> and that the parties shall adhere to the following briefing schedule: 1. Defendant's reply and supporting materials as to its own motion for summary judgment presently due on 2/22/18 shall be filed by 3/1/18 at 12:00 pm.; 2. Plaintiff's sur-reply and supporting materials as to Defendant's motion for summary judgment presently due on 3/22/18 shall be filed by 3/29/18 at 12:00 pm.; 3. Defendant's response to Plaintiff's cross motion for summary judgment presently due on 2/22/18 shall be filed by 3/1/18 at 12:00 pm.; 4. Plaintiff's reply, if any, in support of their cross motion for summary judgment presently due on 3/22/18 shall be filed by 3/29/18 at 12:00 pm.; 5. Defendant's sur-reply in opposition to Plaintiff's cross motion for summary judgment presently due on 4/5/18 shall be filed by 4/12/18 at 12:00 pm.; 6. Plaintiff's replies, if any, in support of their motion for discovery <u>52</u> and their motion to strike <u>54</u> shall be filed by 3/22/18; 7. Defendant's sur-replies, if any, in opposition to Plaintiff's motion for discovery <u>52</u> and plaintiff's motion to strike <u>54</u> shall be filed by 4/5/18 at 12:00 p.m. Signed by Judge Nora Barry Fischer on 2/20/18. (jg) Modified on 2/22/2018. (jsp) (Entered: 02/20/2018)
02/21/2018	<u>62</u>	ORDER granting <u>60</u> Consent Motion for Leave to File Excess Pages; that Defendant's Response to Plaintiff's Motion for Discovery <u>52</u> and Motion to Strike <u>54</u> shall be limited to 15 pages and 10 pages, respectively; that Plaintiff may file a reply brief in support of its motion for discovery of up to 15 pages and a reply brief in support of its motion to strike of up to 10 pages. Signed by Judge Nora Barry Fischer on 2/21/18. (jg) (Entered: 02/21/2018)
02/22/2018	<u>63</u>	BRIEF in Opposition re <u>52</u> Motion for Discovery, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 02/22/2018)
02/22/2018	<u>64</u>	BRIEF in Opposition re <u>54</u> Motion to Strike, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 02/22/2018)

03/01/2018	<u>65</u>	REPLY BRIEF re <u>47</u> Motion for Summary Judgment, <u>42</u> Brief in Support of Motion, <u>41</u> Motion for Summary Judgment, <u>48</u> Brief in Support of Motion filed by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 03/01/2018)
03/01/2018	<u>66</u>	RESPONSE to <u>49</u> Concise Statement of Material Facts, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 03/01/2018)
03/01/2018		w/ <u>65</u> BRIEF in Opposition re <u>47</u> Motion for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (jsp) (Document previously filed electronically) (Entered: 03/02/2018)
03/02/2018		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>65</u> Reply Brief. ERROR: Document should have been filed as two separate documents. CORRECTION: Attorney advised in future that documents of that nature are to be filed as separate documents. Clerk of Court docketed Brief in Opposition to Plaintiff's Summary Judgment Motion. This message is for informational purposes only. (jsp) (Entered: 03/02/2018)
03/14/2018	<u>67</u>	Unopposed MOTION for Leave to File Combined Reply and Sur-reply by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Savage, Amanda) (Entered: 03/14/2018)
03/14/2018	<u>68</u>	ORDER granting Plaintiff's Unopposed Motion for Leave to File Combined Reply and Sur-reply; Plaintiff may file, by 3/29/18 at 12:00 p.m., a combined brief of up to 30 pages in reply as to Plaintiff's cross-motion for summary judgment and in sur-reply as to Defendant's motion for summary judgment. Signed by Judge Nora Barry Fischer on 3/14/18. (jg) (Entered: 03/14/2018)
03/20/2018	<u>69</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>53</u> Brief in Support of Motion, <u>64</u> Brief in Opposition to Motion, <u>54</u> MOTION to Strike <u>44</u> Appendix, <i>Statements from the Declarations of John Kornmeier and Michael A. Comber</i> , <u>63</u> Brief in Opposition to Motion, <u>55</u> Brief in Support of Motion, <u>52</u> MOTION for Discovery <i>in the Alternative Pursuant to R. 56(d) of the Federal Rules of Civil Procedure</i> by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Savage, Amanda) (Entered: 03/20/2018)
03/20/2018	<u>70</u>	ORDER granting <u>69</u> Plaintiff's Unopposed Motion for Extension of Time; Plaintiff's replies in support of its motion in the alternative for discovery and motion to strike are due at 12 p.m. on 3/29/18; Defendant's sur-replies in opposition to Plaintiff's motion in the alternative for discovery and motion to strike are due at 12 p.m. on 4/12/18. Signed by Judge Nora Barry Fischer on 3/20/18. (jg) (Entered: 03/20/2018)
03/29/2018	<u>71</u>	REPLY & <i>Sur-reply</i> to <u>47</u> Motion for Summary Judgment, <u>42</u> Brief in Support of Motion, <u>41</u> Motion for Summary Judgment, <u>48</u> Brief in Support of Motion, <u>65</u> Reply Brief, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) (Entered: 03/29/2018)
03/29/2018	<u>72</u>	REPLY BRIEF ("Reply") in support re <u>52</u> Motion in the Alternative for Discovery, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachment: # <u>1</u> Exhibit A) (Savage, Amanda) Modified on 4/2/2018. (jsp) (Entered: 03/29/2018)
03/29/2018	<u>73</u>	REPLY BRIEF ("Reply") in support re <u>54</u> Motion to Strike, <u>55</u> Brief in Support of Motion filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Savage, Amanda) Modified on 4/2/2018. (jsp) (Entered: 03/29/2018)
04/12/2018	<u>74</u>	Sur-Reply Brief ("Surreply") <i>in Opposition to Plaintiff's Motion for Discovery under Rule 56(d)</i> re <u>53</u> Brief in Support of Motion, <u>72</u> Reply Brief, <u>63</u> Brief in Opposition to Motion, <u>52</u> Motion for Discovery, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit) (Phipps, Peter) Modified on 4/16/2018. (jsp) (Entered: 04/12/2018)
04/12/2018	<u>75</u>	Sur-Reply Brief ("Surreply") in Opposition to Plaintiff's Motion to Strike re <u>73</u> Reply Brief, <u>64</u> Brief in Opposition to Motion, <u>54</u> Motion to Strike, <u>55</u> Brief in Support of

		Motion, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) Modified on 4/16/2018. (jsp) (Entered: 04/12/2018)
04/12/2018	<u>76</u>	Sur–Reply Brief in <i>Opposition to Plaintiff's Summary Judgment Motion</i> re <u>47</u> Motion for Summary Judgment, <u>71</u> Reply, <u>48</u> Brief in Support of Motion, <u>65</u> Reply Brief, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 04/12/2018)
05/08/2018	<u>77</u>	MOTION to Withdraw as Attorney for Plaintiff <i>Project on Predatory Student Lending of the Legal Services Center of Harvard Law School</i> by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Savage, Amanda) (Entered: 05/08/2018)
05/08/2018	78	ORDER granting <u>77</u> Motion to Withdraw as Attorney. Attorney Amanda Savage terminated. Signed by Judge Nora Barry Fischer on 5/8/2018. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (bdk) (Entered: 05/08/2018)
06/06/2018	<u>79</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings re Motion hearing held on May 5, 2017 before Judge Nora Barry Fischer. Sandra Wenger Goffe, Official Court Reporter, Telephone number 412–261–6254. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely, electronically available to the public without redaction after 90 calendar days. For redaction purposes, or otherwise, during this 90 day period a copy of the transcript may be purchased from the court reporter or viewed at the clerk's office public terminal. Any Notice of Intent to Request Redaction and Redaction Request must be separately mailed to the court reporter of said proceedings. Notice of Intent for Redaction of Personal Data Identifiers due by 6/13/2018. Redaction Request due 6/27/2018. Redacted Transcript Deadline set for 7/9/2018. Release of Transcript Restriction set for 9/4/2018. (sw) Modified on 6/19/2018. (cel) (Entered: 06/06/2018)
07/09/2018	<u>80</u>	MEMORANDUM OPINION granting, in part, and denying, in part, <u>47</u> Cross MOTION for Summary Judgment filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL, granting, in part and denying, in part <u>41</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE, granting, in part and denying, in part, <u>54</u> MOTION to Strike <u>44</u> Appendix, <i>Statements from the Declarations of John Kornmeier and Michael A. Comber</i> filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL, and denying, as moot, <u>52</u> MOTION for Discovery in the Alternative Pursuant to R. 56(d) of the Federal Rules of Civil Procedure filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL (details more fully stated in said Memorandum Opinion). Signed by Judge Nora Barry Fischer on 7/9/2018. (bdk) (Entered: 07/09/2018)
07/09/2018	<u>81</u>	ORDER indicating that, in accordance with the <u>80</u> Memorandum Opinion, <u>41</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE, is granted, in part, and denied, in part; <u>47</u> Cross MOTION for Summary Judgment filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL, is granted, in part and denied, in part; <u>54</u> MOTION to Strike <u>44</u> Appendix, <i>Statements from the Declarations of John Kornmeier and Michael A. Comber</i> filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL is granted, in part and denied, in part; and <u>52</u> MOTION for Discovery in the Alternative Pursuant to R. 56(d) of the Federal Rules of Civil Procedure filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL is denied, as moot; the parties shall file a Joint Status Report within 45 days (i.e., due by 8/23/2018), (details more fully stated in said Order). Signed by Judge Nora Barry Fischer on 7/9/2018. (Entered: 07/09/2018)
07/09/2018	<u>82</u>	JUDGMENT indicating that, the Court having issued a Memorandum Opinion <u>80</u> and Order <u>81</u> granting, in part, and denying, in part, the parties' cross–motions for summary judgment, partial summary judgment is entered in favor of Plaintiff and

		against Defendant and partial summary judgment is entered in favor of Defendant and against Plaintiff, as more fully specified in the Memorandum Opinion and Order filed contemporaneously herewith. Signed by Judge Nora Barry Fischer on 7/9/2018. (bdk) (Entered: 07/09/2018)
08/23/2018	<u>83</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 08/23/2018)
08/27/2018	84	ORDER indicating that upon review of the parties' <u>83</u> Post-Judgment Status Report filed on 8/23/18, it is hereby ordered that the parties shall file another Joint Status Report by 9/26/18. Signed by Judge Nora Barry Fischer on 8/27/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 08/27/2018)
09/26/2018	<u>85</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 09/26/2018)
09/27/2018	<u>86</u>	ORDER upon consideration of the parties' Joint Status Report, (Docket No <u>85</u>), wherein they dispute the scope of production ordered by the Court in the Memorandum Opinion and Order entered on July 9, 2018, (Docket Nos. 80; 81), which the Court construes as a Joint Motion for Clarification of said Memorandum Opinion and Order and the inherent authority of the Court to interpret its own orders, the parties' Joint Motion <u>85</u> is GRANTED. To this end, the Court clarifies that Plaintiff's position set forth in the Status Report is correct as the Court granted Plaintiff's motion for summary judgment "as to the Project's request for disclosure of documents contained on the AI Dallas CD materials, documents listed on the Vaughn index, and five documents found in the Department of Justice email archives"; the parties shall file another Status Report by 10/11/2018. Signed by Judge Nora Barry Fischer on 9/27/2018. (bdk) (Entered: 09/27/2018)
10/11/2018	<u>87</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Phipps, Peter) (Entered: 10/11/2018)
10/12/2018	88	ORDER that upon consideration of <u>87</u> Status Report filed by UNITED STATES DEPARTMENT OF JUSTICE, the parties shall file a follow-up Joint Status Report by 11/13/2018, advising as to the status of outstanding matters including the redactions to the DOJ's production. Signed by Judge Nora Barry Fischer on 10/12/2018. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdk) (Entered: 10/12/2018)
10/16/2018	<u>89</u>	NOTICE of Judge Fischer's son's employment with United States Attorney's Office. (jg) (Entered: 10/16/2018)
10/19/2018	<u>90</u>	NOTICE of Substitution of Attorney Appearance by Karen Gal-Or on behalf of UNITED STATES DEPARTMENT OF JUSTICE. Attorney Christy C. Wiegand terminated. (Gal-Or, Karen) (Entered: 10/19/2018)
11/09/2018	<u>91</u>	NOTICE of Substitution of Attorney Appearance by Lisa Zeidner Marcus on behalf of UNITED STATES DEPARTMENT OF JUSTICE. Attorney Peter J. Phipps terminated. (Marcus, Lisa) (Entered: 11/09/2018)
11/13/2018	<u>92</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Gal-Or, Karen) (Entered: 11/13/2018)
11/14/2018	93	ORDER indicating that the parties shall file another Joint Status Report by 12/13/18. Signed by Judge Nora Barry Fischer on 11/14/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 11/14/2018)
12/13/2018	<u>94</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Gal-Or, Karen) (Entered: 12/13/2018)
12/14/2018	95	ORDER indicating that the parties shall file another Joint Status Report by 2/14/19. Signed by Judge Nora Barry Fischer on 12/14/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 12/14/2018)

02/14/2019	<u>96</u>	Sixth Post-Judgment STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Marcus, Lisa) Modified text on 2/15/2019. (ksa) (Entered: 02/14/2019)
02/15/2019	97	ORDER indicating that the parties shall file another Joint Status Report by 4/15/19. Signed by Judge Nora Barry Fischer on 2/15/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 02/15/2019)
04/15/2019	<u>98</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Marcus, Lisa) (Entered: 04/15/2019)
04/16/2019	99	ORDER indicating that the parties shall file another Joint Status Report by 5/17/19. Signed by Judge Nora Barry Fischer on 4/16/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 04/16/2019)
05/17/2019	<u>100</u>	STATUS REPORT : <i>Joint Status Report</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Marcus, Lisa) (Entered: 05/17/2019)
05/20/2019	101	ORDER indicating that the parties shall file another Joint Status Report by 5/31/19. Signed by Judge Nora Barry Fischer on 5/20/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 05/20/2019)
05/31/2019	<u>102</u>	STATUS REPORT : <i>Joint Status Report</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Marcus, Lisa) (Entered: 05/31/2019)
05/31/2019	<u>103</u>	STIPULATION re <u>102</u> Status Report : <i>Joint Stipulation and Proposed Schedule</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Marcus, Lisa) (Entered: 05/31/2019)
06/03/2019	<u>104</u>	ORDER granting <u>103</u> Joint Stipulation and Proposed Schedule; that Defendant shall preprocess and reproduce any remaining records that need to be reproduced from the AI Dallas CD, originally produced to Plaintiff in October 2018, at a pace of at least 200 pages each week between June 3, 2019 and July 2, 2019; Defendant shall complete any and all reprocessing and reproduction of the AI Dallas CD records on or before 7/2/19; that the parties shall file another Joint Status Report by 7/9/19. Signed by Judge Nora Barry Fischer on 6/3/19. (jg) (Entered: 06/03/2019)
07/10/2019	<u>105</u>	STATUS REPORT : <i>Joint Status Report</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Marcus, Lisa) (Entered: 07/10/2019)
07/10/2019	106	ORDER that upon consideration of <u>105</u> the parties' Joint Status Report filed by UNITED STATES DEPARTMENT OF JUSTICE, the parties shall file another Status Report by 7/30/2019. Signed by Judge Nora Barry Fischer on 7/10/2019. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdk) (Entered: 07/10/2019)
07/30/2019	<u>107</u>	STATUS REPORT : <i>Joint Status Report</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Marcus, Lisa) (Entered: 07/30/2019)
07/31/2019	108	ORDER that upon consideration of the parties' Eleventh Post-Judgment Status Report <u>107</u> , indicating a request for 30 days to resolve the attorneys' fee issue, it is ordered that the parties shall file another Joint Status Report by 8/29/19. Signed by Judge Nora Barry Fischer on 7/31/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 07/31/2019)